REMARKS

Status of the Claims

Claims 3, 4, 6, 7, 10 and 12 are pending in the application. Claims 3, 4, 6, and 10 are currently amended. New claim 12 is added. Claims 1, 2, 5, 8, 9, and 11 are canceled. Reconsideration and allowance of all of the pending claims is respectfully requested.

This amendment does not add new matter to the application. The amendment to claims 3, 4, 6 and 10 are editorial. New claim 12 is supported, for example, at page 1, lines 23-25 of the specification. Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Claim Objections

Claims 5-10 are objected to under 37 C.F.R. §1.75(c) as being in improper dependent form. However, applicants respectfully point out that pending claims 6 and 10 were amended in the preliminary amendment filed April 21, 2005 to correct the improper multiple dependent claims. Accordingly, withdrawal of this objection and examination of claims 6, 7, and 10 on the merits is required.

Claim 11 is objected to over an informality in formula (4). Claim 11 is canceled by this amendment. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1-4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kakugo '370 (WO 87/02370). Applicants respectfully traverse this rejection for the following reasons.

"To establish prima facie obviousness of a claimed invention, all the claim limitations

must be taught or suggested by the prior art." MPEP §2143.03. Applicants respectfully submit

that all of the limitations of the present claims are not disclosed or suggested by the prior art. The

prior art does not disclose or suggest a chromium metal composition as presently recited in claim

3. Accordingly, a prima facie case of obviousness has not been made out and this rejection must

be withdrawn.

A salient feature of the presently claimed invention is a chromium metal complex of

formula (2). See claim 3. Kakugo '370 does not disclose or suggest the presently claimed

chromium containing polymerization catalyst. Kakugo '370 merely mentions transitions metals,

and teaches titanium, zirconium, hafnium, and vanadium as candidates for their compositions.

However, Kakugo '370 does not mention or suggest chromium complexes. Therefore, Kakugo

'370 does not disclose or suggest all of the elements of the present claims and a prima facie case

of obviousness has not bee made out.

Nevertheless, even if it were assumed arguendo, that a *prima facie* case of obviousness

were made out by the Examiner, applicants respectfully submit that the compositions of the

present claims exhibit unexpected results over the prior art.

In Examples 14-16, Kakugo '370 discloses 2,2'-thiobis(6-tert-butyl-4-methylphonoxy)

titanium dichloride as a representative metal complex which provides a high activity among the

disclosed catalysts. Therefore, applicants include herewith Exhibit 1, a declaration under 37

C.F.R. §1.132 by Hidenori Hanaoka. Exhibit 1 presents a comparison between the closest prior

art catalysts of Kakugo '370, 2,2'-thiobis(6-tert-butyl-4-methylphonoxy) titanium dichloride and

6

the presently claimed 2,2'-thiobis(6-tert-butyl-4-methylphonoxy) chromium dichloride.

JWB/JMK/jmb

Docket No.: 2185-0757PUS1

The Hanaoka declaration clearly shows that the presently claimed catalysts exhibit

superior and unexpected results over the prior art. Accordingly Applicants have fully established

the patentability of the present claims. Withdrawal of the pending prior art rejection and

allowance of the application is required. An early reconsideration and Notice of Allowance are

respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present

application, the Examiner is respectfully requested to contact Mark Konieczny (Reg. No. 47,715)

at the telephone number of the undersigned below, to conduct an interview in an effort to

expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future

replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 17, 2007

Respectfully submitted,

. Bailey

Registration No.: 32,88/1

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

I.M.K.

Attachment: Exhibit 1

JWB/JMK/jmb

7